

**REMARKS**

Claims 1 and 3-12 are in the application.

Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. 102(a) as being anticipated by Reihl and of claims 4 and 9 under 35 U.S.C. 103(a) as being unpatentable over Reihl in view of German reference to Minatti, are respectfully requested.

Applicant respectfully submits that the Examiner is not interpreting the reference to Reihl correctly because the office action initially refers to the part 6 as the movable roof part, while then taking the position that a "rear section 22 of the movable roof part is raisable". This quote is made without reference numeral 6 because the movable roof part 22 cannot be a component of the roof part which previously has been provided with reference numeral 6.

However, this is precisely the case in accordance with the present invention. In the invention, one and the same roof part

is to be openable entirely with an interconnected outer surface, on the one hand, and is to be raisable only in its rear portion to provide a partial possibility of opening the roof, on the other hand, while the front portion of this roof part remains in its closed position.

In view of this situation, claim 1 makes it clear that that the front roof part which extends from the windshield frame to a following roof part, i.e., not the rearmost roof part which includes the rear window, provides the two different possibilities of opening: full opening or partial opening of only the rearward portion, while the front portion of this front roof part remains closed.

Claim 1 has additionally been amended to make it clear that the front roof part extends essentially horizontally and is completely separated from the roof part 5 located behind the front roof part. These features are disclosed in the description on pages 6 and 7.

These features are included in the claim in order to emphasize the structural unity of the roof parts 3 mentioned

above and its position in the vehicle, as compared to the movable rear window of the reference.

Accordingly, it is submitted that it is clear that claim 1, and the claims depending therefrom, are not anticipated by the reference relied on by the Examiner.

Applicant has noted that the Examiner has indicated that claims 5 to 7 and 10 to 12 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. However, applicant respectfully submits that all the claims in the application are in condition for allowance for the reasons set forth above.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

*F Kueffner*

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Friedrich Kueffner  
Reg. No. 29,482  
317 Madison Avenue  
Suite 910  
New York, N.Y. 10017  
(212) 986-3114

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on October 23, 2008.

By: \_\_\_\_\_

*F Kueffner*  
Friedrich Kueffner

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